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Notice of Allowability

Application No.

10/062,598

Applicant(s)

FORTENBERRY ET AL.

Examiner

Art Unit

Wilbert L. Starks, Jr.

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 05/16/2005.
2. ☒ The allowed claim(s) is/are 1-49.
3. ☒ The drawings filed on 12 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Wilbert L. Starks, Jr.

**Wilbert L. Starks, Jr.
Primary Examiner
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DETAILED ACTION

Reasons For Allowance

1. Claims 1-49 are allowed.
2. The following is an Examiner's statement of reasons for allowance:
3. The cited prior art taken alone or in combination fails to teach the claimed invention of a mathematical teaching tool embedded in a calculator, as claimed by Applicant. Specifically, Independent claims 1, 12, 14, and 38 disclose that unique identifiers of "nodes" (i.e., operators in a parse tree) may be selected by the user.
4. The closest prior art of Henter¹ teaches methods for teaching mathematics to disabled students but fails to teach or suggest the use of a calculator...in fact, the only independent claim specifically says "without the use of an arithmetic logic unit or ***calculator***". Examiner also notes that Applicant's claims are written in step-for format. On that basis, the limitations of the Specification are read into the claims. Independent claims 1, 12, 14, and 38 disclose that unique identifiers of "nodes" (i.e., operators in a parse tree) may be selected by the user. Examiner reads the limitations of pages 14-15 from the Specification into this part of the claim.

¹ Henter (U.S. Patent Number 5,827,066; dated 27 October 1998; class 434; subclass 188).

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5. To the extent that the above noted limitations are not present in the cited prior art, the present case is found to be allowable over the prior art of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A. LoSasso; Mark et al. (U.S. Patent Number 6,755,659 B2; dated 29 JUN 2004; class 434; subclass 219) discloses an interactive training system and method.

B. Cook; Donald A. et al. (U.S. Patent Number 6,427,063 B1; dated 30 JUL 2002; class 434; subclass 350) discloses an agent based instruction system and method.

C. Winn; Kirk T. (U.S. Patent Number 5,731,572 A; dated 24 MAR 1998; class 235; subclass 70R) discloses a six sigma calculator.

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8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (571) 272-3691.

Alternatively, inquiries may be directed to the following:

S. P. E. Anthony Knight (571) 272-3687

Official (FAX) (571) 273-8300

A handwritten signature in black ink, slanted upwards from left to right. The signature appears to read "Wilbert L. Starks, Jr." with a stylized flourish at the end.

Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121

WLS

23 July 2005